

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 25-26, 2003

Reference No.: 2.4b.
Action Item

From: ROBERT L. GARCIA
Chief Financial Officer

Prepared by: Brice D. Paris
Division Chief
Right of Way

Ref: **RESOLUTIONS OF NECESSITY**

ISSUE:

For each of the proposed resolutions, the property owners are not contesting the following findings contained in Section 1245.230 of the Code of Civil Procedure:

1. The public interest and necessity require the project.
2. The project is planned to provide the greatest public good with the least private injury.
3. This property is required for the proposed project.
4. An offer to purchase the property in compliance with Government Code Section 7267.2 has been made to the owner of record.

The only remaining issues with the property owners are related to compensation.

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission adopt Resolutions of Necessity C-18797 through C-18820. Discussions have taken place with all the owners, each of whom has been offered the full amount of the Department's appraisal and, where applicable, advised of any relocation assistance benefits to which the owner may subsequently be entitled. Adoption of the resolutions will not interrupt our efforts to secure equitable settlement. In accordance with statutory requirements, each owner has been advised the Department is requesting the resolution at this time. Adoption will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-18797 - Dan Morrison

02-Tri-299-PM 30.1-Parcel 12886; 12887-D1, D2 - EA 288209 - Certification Date: 06/26/03 - RTL Date: 06/26/03 - (Conventional Highway - construct passing lane). Authorizes condemnation of possessory interest in a mining claim on USFS lands, a temporary easement for highway construction. Located near the unincorporated area of Big Bar between PM 29.4 to 30.2.

C-18798 - George L. Rodriguez, et ux.

06-Fre-180-KP 102.7-Parcel 84838 - EA 342439 - Certification Date: 02/1/04 - (Freeway - eight future lanes for the right of way alignment). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, together with all of those certain improvements which straddle the right of way line with an easement to enter the remaining ownership to remove such improvements. Located in the city of Fresno at 6227 East Harvey Avenue.

C-18799 - Wayne Snell

06-Fre-180-KP 106.4-Parcel 84381; 84831-01-01 - EA 342519 - Certification Date: 01/01/05 - RTL Date: 02/01/05 - (Conventional Highway - two current to four future lanes on existing alignment). Authorizes condemnation of land in fee for a State highway and excess land in fee to which the owner has consented. Located in the city of Fresno at 7512 East Kings Canyon Road.

C-18800 - Stanley Douglas Levitt and Peter Theodore Levitt

07-LA-405-KP 62.1-Parcel 78237-1, 2 - EA 201209 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Freeway - gap closure project with flyunder structure). Authorizes condemnation of permanent footing easement for State highway purposes and a temporary easement for construction purposes. Located near the city of Los Angeles on Northbound 405 Southbound 101 connector.

C-18801- Victoria Avakian, Trustee, etc., et al.

07-LA-405-KP 62.7-Parcel 78238-1, 2, 3, 01-01 - EA 201209 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Freeway - gap closure project with flyunder structure). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, permanent easement for footing purposes, temporary easement for construction purposes, and land in fee which is a remnant and would be of little market value. Located near the city of Los Angeles at 4501 Sepulveda Boulevard.

C-18802 - 15314 Dickens, a Partnership

07-LA-405-KP 62.7-Parcel 78240 - EA 201209 - Certification Date: 06/30/03 - RTL Date: 06/30/03 (Freeway - gap closure project with flyunder structure). Authorizes condemnation of land in fee for a State highway. Located near the city of Los Angeles at 15314 Dickens Street.

C-18803 - Jeffrey Alan Jones, et ux.

08-SBd-62-PM 2.24-Parcel 19423-1 - EA 359029 - Certification Date: 10/01/2003 - RTL Date: 11/03/2003 - (Conventional Highway - widen, realign and other safety improvements). Authorizes condemnation of land in fee for a State highway. Located in the town of Morongo Valley at the corner of Ocotillo Street and State Route 62.

C-18804 - J.C.P. Construction, Inc.

08-SBd-138-KP 8.59-Parcel 19122-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located in the town of Phelan along Highway 138, west of Sheep Creek Road.

C-18805 - Leonard Lisante, et ux.

08-SBd-138 KP 8.68-Parcel 19123-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located in the town of Phelan at 8590 Highway 138.

C-18806 - Kuan Chun Huang, et ux.

08-SBd-138-KP 8.78-Parcel 19124-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located in the town of Phelan along Highway 138, west of Sheep Creek Road.

C-18807 - George S. Van Dorn, et ux.

08-SBd-138-KP 9.03-Parcels 19126-1 and 19127-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan along Highway 138, west of Sheep Creek Road.

C-18808 - Ronald E. Zimmerman, et ux.

08-SBd-138-KP 9.97-Parcel 19129-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan between Highway and Sheep Creek Road.

C-18809 - Back Moon Lee, et ux.

08-SBd-138-KP 10.48-Parcels 19132-1, 2 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan near the intersection of Highway 138 and Highway 2.

C-18810 - Anastasios G. Pallas, Trustee, etc., et al.

08-SBd-138-KP 13.38-Parcel 19138-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan between Tamarin Street and Hess Road.

C-18811 - Arrowhead Solar Corporation, a California Corporation

08-SBd-138-KP 13.90-Parcel 19912-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan between Tamarin Street and Hess Road.

C-18812 - James R. Phillips, et ux.

08-SBd-138-KP 14.02-Parcel 19146-1 - EA 4697U9 - Certification Date: 06/30/03 - RTL Date: 06/30/03 - (Conventional highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan between Tamarin Street and Hess Road.

C-18813 - C. L. Mc Broome

08-SBd-138-KP 21.19/21.37-Parcel 19148-1, 2 - EA 4697U9 - Certification Date: 6/30/03 - RTL Date: 06/30/03 - (Conventional Highway - construct truck climbing lane, widen shoulders, widen and add median). Authorizes condemnation of land in fee for a State highway. Located near the town of Phelan along Highway 138, one mile east of Highway 2.

C-18814 - BBC Properties, a California General Partnership

08-SBd-210-KP 31.52 R-KP 31.70 R-Parcels 18138-1 and 18289-1 - EA 443919 - Certification Date: 06/01/03 - RTL Date: 08/04/03 - (Freeway - construction of the Riverside Avenue interchange). Authorizes condemnation of land in fee for a State highway and extinguishment of abutter's rights of access. Located in the city of Rialto at 2400 West Highland Avenue.

C-18815 - Equilon Enterprises

10-SJ-99-KP 31.0/37.4-Parcel 15096-1, 2, 3, A - EA 445609 - Certification Date: 05/29/03 - RTL Date: 08/1/03 - (Freeway - reconstruct the interchange at Highway 99 and Hammer Lane). Authorizes condemnation of land in fee for a State highway, a temporary easement for highway construction, and extinguishment of abutter's rights of access. Located in the city of Stockton at the southwest corner of Highway 99 and Hammer Lane.

C-18816 - Diane Christine Denney, et al.

11-Imp-78/111-KP 33.6-34.5-Parcel 32335-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 - EA 167879 - Certification Date: 06/27/03 - RTL Date: 06/27/03 - (Expressway - construct new four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, seven permanent easements for construction and maintenance of water delivery system, drainage system, power lines and/or telephone lines to be conveyed to Imperial Irrigation District, six temporary easements for construction purposes, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line. Located in the city of Brawley at the intersection of State Route 111 and Malan Road.

C-18817 - Marjorie Beth Porter, et al.

11-Imp-78/111-KP 34.5-35.4-Parcel 32337-1, 2, 3, 4, 5, 6, 7, 8 - EA 167879 - Certification Date: 06/27/03 - RTL Date: 06/27/03 - (Expressway - construct new four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, three permanent easements for construction and maintenance of water drainage system, pump, sump, & appurtenances to be conveyed to Imperial Irrigation District, a permanent easement for construction and maintenance water drainage system, a permanent easement for ingress and egress purposes to provide access and utility service to other property, two temporary easements for construction purposes, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line. Located in the city of Brawley at State Route 78 west of the Rockwood Canal.

C-18818 - Dan E. Cameron, Trustee, etc., et al.

11-Imp-78/111-KP 34.5-35.4-Parcel 32338-1, 2, 3 - EA 167879 - Certification Date: 06/27/03 - RTL Date: 06/27/03 - (Expressway - construct new four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for construction and maintenance of a canal to be conveyed to Imperial Irrigation District, a permanent easement for ingress and egress purposes to provide access and utility service to other property, a temporary easement for construction purposes, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line. Located in the city of Brawley at State Route 78 east of the Rockwood Canal.

C-18819 - Luckey Ranch, et al.

11-Imp-78/111-KP 35.4-36.3-Parcel 32636-1, 2, 3, 4, 5, 6 - EA 167879 - Certification Date: 06/27/03 - RTL Date: 06/27/03 - (Expressway - construct new four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, two permanent easements for construction and maintenance of a water drainage system, three temporary easements for construction purposes, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line. Located in the city of Brawley at the northeast corner of State Route 78 and Best Road.

C-18820 - Dan E. Cameron, Trustee, etc., et al.

11-Imp-78/111-KP 35.4-36.3-Parcel 32339-1, 2, 3 - EA 167879 - Certification Date: 06/27/03 - RTL Date: 06/27/03 - (Expressway - construct new four lane expressway). Authorizes condemnation of land in fee for a State highway, extinguishment of abutter's rights of access, a permanent easement for construction and maintenance of a canal to be conveyed to Imperial Irrigation District, a temporary easement for construction purposes, and the right and easement to enter the remaining ownership to sever and shore certain improvement(s) at the right of way line. Located in the city of Brawley at State Route 78 east of the Rockwood Canal.